

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-39-12-7 PREVIOUSLY APPROVED BY
ORDINANCE G-5775.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as
follows:

SECTION 1. The zoning stipulations applicable located approximately
660 feet north of the northeast corner of 51st Avenue and Baseline Road in a portion
of Section 33, Township 1 North, Range 2 East, as described more specifically in
Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the site plan date stamped September 26, 2012, as approved by the Planning and Development Department.
2. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE LANDSCAPE PLAN DATE STAMPED JUNE 15, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. That all elevations of the building shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
3. ~~A 50-foot landscape setback shall be provided along Baseline Road and 51st Avenue, as approved by the Planning and Development Department.~~

- ~~4. A 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with City of Phoenix MAG Supplemental detail Section 429 of the Supplemental Specifications along 51st Avenue and Baseline Road, as approved by the Parks and Recreation Department and Planning and Development Department.~~
4. Detached sidewalks shall be provided along 51st Avenue and Baseline Road,
- ~~5. as approved by the Planning and Development Department.~~
5. Drive-through facilities shall be located a minimum 100 feet from the north and
- ~~6. east property lines, as approved by the Planning and Development Department.~~
6. The applicant shall pursue a recorded cross access agreement for the subject
- ~~7. parcel and the parcel located at the northeast corner of 51st Avenue and Baseline Road to allow the proposed uses to function as a commercial center. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.~~
7. The property owner shall record a Notice to Prospective Purchasers of
- ~~8. Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.~~
8. The developer shall construct all streets within and adjacent to the
- ~~9. development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.~~
9. That the applicant shall present for review and comment a detailed site plan,
- ~~10. landscape plan, elevations, sign plan and trails plan to the Laveen Village Planning Committee prior to preliminary site plan approval.~~
10. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
11. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.

12. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
13. The applicant shall notify the following individuals by mail 15 days prior to any
~~44.~~ Planning Hearing Officer hearings. The notice shall include the date, time, and location of the hearings.
 - a. Claudine Reifschneider – 4611 West Summerside Road, Laveen, AZ 85339
 - b. Phil Hertel – 2300 West Broadway Road, Phoenix, AZ 85041
 - c. Steven Kline – 6820 South 66th Avenue, Laveen, AZ 85339
 - d. Wendy Ensminger – 6806 South 55th Lane, Laveen, AZ 85339
 - e. Jon Kimoto – 3216 West Ansell Road, Laveen, AZ 85339
 - f. Randy Schiller – 8618 South 54th Lane, Laveen, AZ 85339
 - g. Bryan Baker – 7225 West Ellis Street, Laveen, AZ 85339
 - h. Erika Lopez – 4845 West Donner Drive, Laveen, AZ 85339
14. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5775 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5775 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 31st day of August, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-22--Z-39-12-7

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

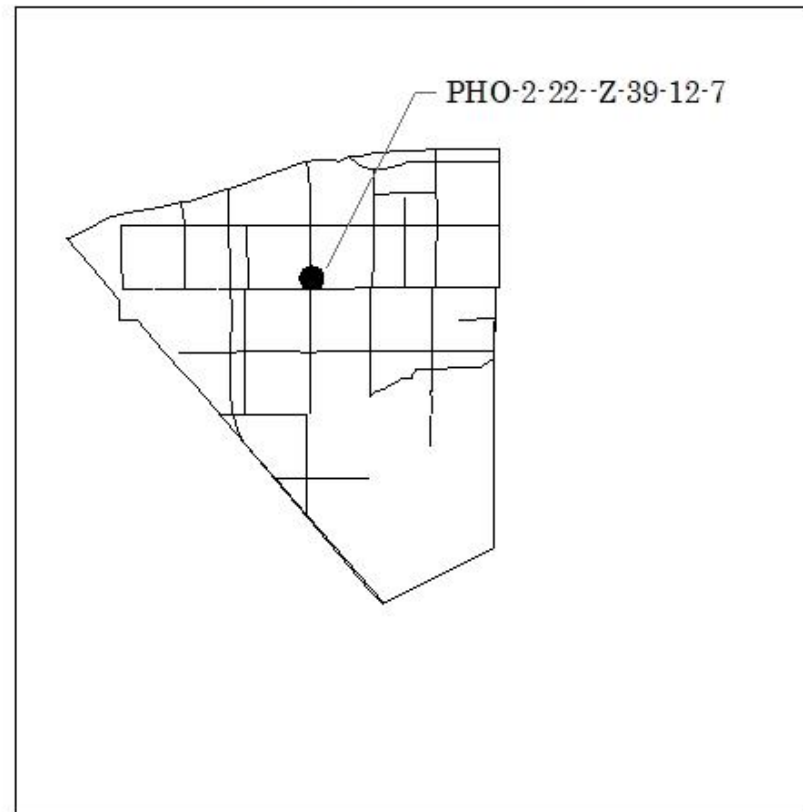
Lot 1, of ARIZONA GENERAL HOSPITAL 2, according to Book 1239 of Maps, page 10, located in a portion of the SW $\frac{1}{4}$ of Section 33, Township 1 North, Range 2 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: PHO-2-22-Z-39-12-7
Zoning Overlay: N/A
Planning Village: Laveen



NOT TO SCALE



Drawn Date: 7/26/2022